

Senate Study Bill 3270

SENATE/HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON JUSTICE
SYSTEM)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5007JB 82
5 jm/mg/8

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1 1 Section 1. DEPARTMENT OF JUSTICE.
1 2 1. There is appropriated from the general fund of the
1 3 state to the department of justice for the fiscal year
1 4 beginning July 1, 2008, and ending June 30, 2009, the
1 5 following amounts, or so much thereof as is necessary, to be
1 6 used for the purposes designated:
1 7 a. For the general office of attorney general for
1 8 salaries, support, maintenance, and miscellaneous purposes,
1 9 including the prosecuting attorneys training program, victim
1 10 assistance grants, office of drug control policy (ODCP)
1 11 prosecuting attorney program, and odometer fraud enforcement,
1 12 and for not more than the following full-time equivalent
1 13 positions:
1 14 \$ 9,437,720
1 15 FTEs 226.50
1 16 It is the intent of the general assembly that as a
1 17 condition of receiving the appropriation provided in this
1 18 lettered paragraph, the department of justice shall maintain a
1 19 record of the estimated time incurred representing each agency
1 20 or department.
1 21 b. For victim assistance grants:
1 22 \$ 150,000
1 23 The funds appropriated in this lettered paragraph shall be
1 24 used to provide grants to care providers providing services to
1 25 crime victims of domestic abuse or to crime victims of rape
1 26 and sexual assault.
1 27 The balance of the victim compensation fund established in
1 28 section 915.94 may be used to provide salary and support of
1 29 not more than 22 FTEs and to provide maintenance for the
1 30 victim compensation functions of the department of justice.
1 31 As a condition of receiving the appropriation in this
1 32 lettered paragraph, the department of justice shall transfer
1 33 at least \$3,200,000 from the victim compensation fund
1 34 established in section 915.94 to the victim assistance grant
1 35 program.
2 1 As a condition of receiving the appropriation in this
2 2 lettered paragraph, the department of justice shall transfer
2 3 at least \$600,000 from the proceeds of forfeited property
2 4 delivered to the department pursuant to section 809A.17 to be
2 5 used for the victim assistance grant program.
2 6 c. For legal services for persons in poverty grants as
2 7 provided in section 13.34:
2 8 \$ 2,000,000
2 9 d. For the purpose of funding farm mediation services and
2 10 other farm assistance program provisions in accordance with
2 11 sections 13.13 through 13.24:
2 12 \$ 300,000
2 13 2. a. The department of justice, in submitting budget
2 14 estimates for the fiscal year commencing July 1, 2009,
2 15 pursuant to section 8.23, shall include a report of funding
2 16 from sources other than amounts appropriated directly from the

2 17 general fund of the state to the department of justice or to
2 18 the office of consumer advocate. These funding sources shall
2 19 include but are not limited to reimbursements from other state
2 20 agencies, commissions, boards, or similar entities, and
2 21 reimbursements from special funds or internal accounts within
2 22 the department of justice. The department of justice shall
2 23 also report actual reimbursements for the fiscal year
2 24 commencing July 1, 2007, and actual and expected
2 25 reimbursements for the fiscal year commencing July 1, 2008.

2 26 b. The department of justice shall include the report
2 27 required under paragraph "a", as well as information regarding
2 28 any revisions occurring as a result of reimbursements actually
2 29 received or expected at a later date, in a report to the co=
2 30 chairpersons and ranking members of the joint appropriations
2 31 subcommittee on the justice system and the legislative
2 32 services agency. The department of justice shall submit the
2 33 report on or before January 15, 2009.

2 34 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is
2 35 appropriated from the general fund of the state to the office
3 1 of consumer advocate of the department of justice for the
3 2 fiscal year beginning July 1, 2008, and ending June 30, 2009,
3 3 the following amount, or so much thereof as is necessary, to
3 4 be used for the purposes designated:

3 5 For salaries, support, maintenance, miscellaneous purposes,
3 6 and for not more than the following full-time equivalent
3 7 positions:

3 8 \$ 3,101,884
3 9 FTEs 27.00

3 10 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.

3 11 1. There is appropriated from the general fund of the
3 12 state to the department of corrections for the fiscal year
3 13 beginning July 1, 2008, and ending June 30, 2009, the
3 14 following amounts, or so much thereof as is necessary, to be
3 15 used for the purposes designated:

3 16 For the operation of adult correctional institutions,
3 17 reimbursement of counties for certain confinement costs, and
3 18 federal prison reimbursement, to be allocated as follows:

3 19 a. For the operation of the Fort Madison correctional
3 20 facility, including salaries, support, maintenance, and
3 21 miscellaneous purposes:

3 22 \$ 44,512,509

3 23 b. For the operation of the Anamosa correctional facility,
3 24 including salaries, support, maintenance, and miscellaneous
3 25 purposes:

3 26 \$ 30,894,866

3 27 Moneys are provided within this appropriation for one full=
3 28 time substance abuse counselor for the Luster Heights facility
3 29 for the purpose of certification of a substance abuse program
3 30 at that facility.

3 31 c. For the operation of the Oakdale correctional facility,
3 32 including salaries, support, maintenance, and miscellaneous
3 33 purposes:

3 34 \$ 56,204,468

3 35 d. For the operation of the Newton correctional facility,
4 1 including salaries, support, maintenance, and miscellaneous
4 2 purposes:

4 3 \$ 27,841,158

4 4 e. For the operation of the Mt. Pleasant correctional
4 5 facility, including salaries, support, maintenance, and
4 6 miscellaneous purposes:

4 7 \$ 26,331,092

4 8 f. For the operation of the Rockwell City correctional
4 9 facility, including salaries, support, maintenance, and
4 10 miscellaneous purposes:

4 11 \$ 9,166,484

4 12 g. For the operation of the Clarinda correctional
4 13 facility, including salaries, support, maintenance, and
4 14 miscellaneous purposes:

4 15 \$ 25,078,365

4 16 Moneys received by the department of corrections as
4 17 reimbursement for services provided to the Clarinda youth
4 18 corporation are appropriated to the department and shall be
4 19 used for the purpose of operating the Clarinda correctional
4 20 facility.

4 21 h. For the operation of the Mitchellville correctional
4 22 facility, including salaries, support, maintenance, and
4 23 miscellaneous purposes:

4 24 \$ 15,878,663

4 25 i. For the operation of the Fort Dodge correctional
4 26 facility, including salaries, support, maintenance, and
4 27 miscellaneous purposes:

4 28 \$ 29,715,121
4 29 j. For reimbursement of counties for temporary confinement
4 30 of work release and parole violators, as provided in sections
4 31 901.7, 904.908, and 906.17, and for offenders confined
4 32 pursuant to section 904.513:
4 33 \$ 967,983
4 34 k. For federal prison reimbursement, reimbursements for
4 35 out-of-state placements, and miscellaneous contracts:
5 1 \$ 241,293
5 2 2. The department of corrections shall use funds
5 3 appropriated in subsection 1 to continue to contract for the
5 4 services of a Muslim imam.
5 5 3. It is the intent of the general assembly that if
5 6 \$382,288 in additional funding becomes available, the funds
5 7 will be appropriated for eight additional correctional officer
5 8 positions to be distributed between the Anamosa correctional
5 9 facility and the Mt. Pleasant correctional facility.
5 10 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.
5 11 1. There is appropriated from the general fund of the
5 12 state to the department of corrections for the fiscal year
5 13 beginning July 1, 2008, and ending June 30, 2009, the
5 14 following amounts, or so much thereof as is necessary, to be
5 15 used for the purposes designated:
5 16 a. For general administration, including salaries,
5 17 support, maintenance, employment of an education director to
5 18 administer a centralized education program for the
5 19 correctional system, and miscellaneous purposes:
5 20 \$ 5,050,732
5 21 (1) It is the intent of the general assembly that as a
5 22 condition of receiving the appropriation provided in this
5 23 lettered paragraph the department of corrections shall not,
5 24 except as otherwise provided in subparagraph (3), enter into a
5 25 new contract, unless the contract is a renewal of an existing
5 26 contract, for the expenditure of moneys in excess of \$100,000
5 27 during the fiscal year beginning July 1, 2008, for the
5 28 privatization of services performed by the department using
5 29 state employees as of July 1, 2008, or for the privatization
5 30 of new services by the department without prior consultation
5 31 with any applicable state employee organization affected by
5 32 the proposed new contract and prior notification of the co=
5 33 chairpersons and ranking members of the joint appropriations
5 34 subcommittee on the justice system.
5 35 (2) It is the intent of the general assembly that each
6 1 lease negotiated by the department of corrections with a
6 2 private corporation for the purpose of providing private
6 3 industry employment of inmates in a correctional institution
6 4 shall prohibit the private corporation from utilizing inmate
6 5 labor for partisan political purposes for any person seeking
6 6 election to public office in this state and that a violation
6 7 of this requirement shall result in a termination of the lease
6 8 agreement.
6 9 (3) It is the intent of the general assembly that as a
6 10 condition of receiving the appropriation provided in this
6 11 lettered paragraph the department of corrections shall not
6 12 enter into a lease or contractual agreement pursuant to
6 13 section 904.809 with a private corporation for the use of
6 14 building space for the purpose of providing inmate employment
6 15 without providing that the terms of the lease or contract
6 16 establish safeguards to restrict, to the greatest extent
6 17 feasible, access by inmates working for the private
6 18 corporation to personal identifying information of citizens.
6 19 b. For educational programs for inmates at state penal
6 20 institutions:
6 21 \$ 1,570,358
6 22 As a condition of receiving the appropriation in this
6 23 lettered paragraph, the department of corrections shall
6 24 transfer at least \$300,000 from the canteen operating funds
6 25 established pursuant to section 904.310 to be used for
6 26 correctional educational programs funded in this lettered
6 27 paragraph.
6 28 It is the intent of the general assembly that moneys
6 29 appropriated in this lettered paragraph shall be used solely
6 30 for the purpose indicated and that the moneys shall not be
6 31 transferred for any other purpose. In addition, it is the
6 32 intent of the general assembly that the department shall
6 33 consult with the community colleges in the areas in which the
6 34 institutions are located to utilize moneys appropriated in
6 35 this lettered paragraph to fund the high school completion,
7 1 high school equivalency diploma, adult literacy, and adult
7 2 basic education programs in a manner so as to maintain these
7 3 programs at the institutions.

7 4 To maximize the funding for educational programs, the
7 5 department shall establish guidelines and procedures to
7 6 prioritize the availability of educational and vocational
7 7 training for inmates based upon the goal of facilitating an
7 8 inmate's successful release from the correctional institution.
7 9 The director of the department of corrections may transfer
7 10 moneys from Iowa prison industries for use in educational
7 11 programs for inmates.

7 12 Notwithstanding section 8.33, moneys appropriated in this
7 13 lettered paragraph that remain unobligated or unexpended at
7 14 the close of the fiscal year shall not revert but shall remain
7 15 available for expenditure only for the purpose designated in
7 16 this lettered paragraph until the close of the succeeding
7 17 fiscal year.

7 18 c. For the development of the Iowa corrections offender
7 19 network (ICON) data system:

7 20 \$ 427,700

7 21 d. For offender mental health and substance abuse
7 22 treatment:

7 23 \$ 25,000

7 24 e. For viral hepatitis prevention and treatment:

7 25 \$ 188,000

7 26 2. It is the intent of the general assembly that the
7 27 department of corrections shall continue to operate the
7 28 correctional farms under the control of the department at the
7 29 same or greater level of participation and involvement as
7 30 existed as of January 1, 2008; shall not enter into any rental
7 31 agreement or contract concerning any farmland under the
7 32 control of the department that is not subject to a rental
7 33 agreement or contract as of January 1, 2008, without prior
7 34 legislative approval; and shall further attempt to provide job
7 35 opportunities at the farms for inmates. The department shall
8 1 attempt to provide job opportunities at the farms for inmates
8 2 by encouraging labor-intensive farming or gardening where
8 3 appropriate; using inmates to grow produce and meat for
8 4 institutional consumption; researching the possibility of
8 5 instituting food canning and cook-and-chill operations; and
8 6 exploring opportunities for organic farming and gardening,
8 7 livestock ventures, horticulture, and specialized crops.

8 8 5. The department of corrections shall provide a smoking
8 9 cessation program to offenders committed to the custody of the
8 10 director or who are otherwise detained by the department, that
8 11 complies with legislation enacted restricting or prohibiting
8 12 smoking on the grounds of correctional institutions.

8 13 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
8 14 SERVICES.

8 15 1. There is appropriated from the general fund of the
8 16 state to the department of corrections for the fiscal year
8 17 beginning July 1, 2008, and ending June 30, 2009, for the
8 18 treatment and supervision of probation and parole violators
8 19 who have been released from the department of corrections
8 20 violator program, the following amounts, or so much thereof as
8 21 is necessary, to be allocated as follows:

8 22 a. For the first judicial district department of
8 23 correctional services:

8 24 \$ 12,912,033

8 25 b. For the second judicial district department of
8 26 correctional services:

8 27 \$ 10,669,139

8 28 c. For the third judicial district department of
8 29 correctional services:

8 30 \$ 5,903,401

8 31 d. For the fourth judicial district department of
8 32 correctional services:

8 33 \$ 5,419,406

8 34 e. For the fifth judicial district department of
8 35 correctional services, including funding for electronic
9 1 monitoring devices for use on a statewide basis:

9 2 \$ 18,276,003

9 3 f. For the sixth judicial district department of
9 4 correctional services:

9 5 \$ 12,475,246

9 6 The sixth judicial district department of correctional
9 7 services shall maintain a youth leadership model program to
9 8 help at-risk youth. As a part of the program, the district
9 9 department may recruit college or high school students in the
9 10 judicial district to work with at-risk youth. The student
9 11 workers shall be recruited regardless of gender and be
9 12 recommended by their respective schools as good role models,
9 13 including but not limited to students who possess capabilities
9 14 in one or more of the following areas of ability: intellectual

9 15 capacity, athletics, visual arts, or performing arts.
9 16 g. For the seventh judicial district department of
9 17 correctional services:
9 18 \$ 7,020,794
9 19 h. For the eighth judicial district department of
9 20 correctional services:
9 21 \$ 6,998,544

9 22 2. Each judicial district department of correctional
9 23 services, within the funding available, shall continue
9 24 programs and plans established within that district to provide
9 25 for intensive supervision, sex offender treatment, diversion
9 26 of low-risk offenders to the least restrictive sanction
9 27 available, job development, and expanded use of intermediate
9 28 criminal sanctions.

9 29 3. Each judicial district department of correctional
9 30 services shall provide alternatives to prison consistent with
9 31 chapter 901B. The alternatives to prison shall ensure public
9 32 safety while providing maximum rehabilitation to the offender.
9 33 A judicial district department of correctional services may
9 34 also establish a day program.

9 35 4. The governor's office of drug control policy shall
10 1 consider federal grants made to the department of corrections
10 2 for the benefit of each of the eight judicial district
10 3 departments of correctional services as local government
10 4 grants, as defined pursuant to federal regulations.

10 5 5. The department of corrections shall continue to
10 6 contract with a judicial district department of correctional
10 7 services to provide for the rental of electronic monitoring
10 8 equipment which shall be available statewide.

10 9 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
10 10 APPROPRIATIONS. Notwithstanding section 8.39, within the
10 11 funds appropriated in this Act to the department of
10 12 corrections, the department may reallocate the funds
10 13 appropriated and allocated as necessary to best fulfill the
10 14 needs of the correctional institutions, administration of the
10 15 department, and the judicial district departments of
10 16 correctional services. However, in addition to complying with
10 17 the requirements of sections 904.116 and 905.8 and providing
10 18 notice to the legislative services agency, the department of
10 19 corrections shall also provide notice to the department of
10 20 management, prior to the effective date of the revision or
10 21 reallocation of an appropriation made pursuant to this
10 22 section. The department shall not reallocate an appropriation
10 23 or allocation for the purpose of eliminating any program.

10 24 Sec. 7. INTENT == REPORTS.
10 25 1. The department in cooperation with townships, the Iowa
10 26 cemetery associations, and other nonprofit or governmental
10 27 entities may use inmate labor during the fiscal year beginning
10 28 July 1, 2008, to restore or preserve rural cemeteries and
10 29 historical landmarks. The department in cooperation with the
10 30 counties may also use inmate labor to clean up roads, major
10 31 water sources, and other water sources around the state.

10 32 2. Each month the department shall provide a status report
10 33 regarding private-sector employment to the legislative
10 34 services agency beginning on July 1, 2008. The report shall
10 35 include the number of offenders employed in the private
11 1 sector, the combined number of hours worked by the offenders,
11 2 and the total amount of allowances, and the distribution of
11 3 allowances pursuant to section 904.702, including any moneys
11 4 deposited in the general fund of the state.

11 5 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
11 6 corrections shall submit a report on electronic monitoring to
11 7 the general assembly, to the co-chairpersons and the ranking
11 8 members of the joint appropriations subcommittee on the
11 9 justice system, and to the legislative services agency by
11 10 January 15, 2009. The report shall specifically address the
11 11 number of persons being electronically monitored and break
11 12 down the number of persons being electronically monitored by
11 13 offense committed. The report shall also include a comparison
11 14 of any data from the prior fiscal year with the current year.

11 15 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.
11 16 1. As used in this section, unless the context otherwise
11 17 requires, "state agency" means the government of the state of
11 18 Iowa, including but not limited to all executive branch
11 19 departments, agencies, boards, bureaus, and commissions, the
11 20 judicial branch, the general assembly and all legislative
11 21 agencies, institutions within the purview of the state board
11 22 of regents, and any corporation whose primary function is to
11 23 act as an instrumentality of the state.

11 24 2. State agencies are hereby encouraged to purchase
11 25 products from Iowa state industries, as defined in section

11 26 904,802, when purchases are required and the products are
11 27 available from Iowa state industries. State agencies shall
11 28 obtain bids from Iowa state industries for purchases of office
11 29 furniture during the fiscal year beginning July 1, 2008,
11 30 exceeding \$5,000 or in accordance with applicable
11 31 administrative rules related to purchases for the agency.

11 32 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
11 33 from the general fund of the state to the office of the state
11 34 public defender of the department of inspections and appeals
11 35 for the fiscal year beginning July 1, 2008, and ending June
12 1 30, 2009, the following amounts, or so much thereof as is
12 2 necessary, to be allocated as follows for the purposes
12 3 designated:

12 4 1. For salaries, support, maintenance, miscellaneous
12 5 purposes, and for not more than the following full-time
12 6 equivalent positions:
12 7 \$ 21,749,296
12 8 FTEs 203.00

12 9 2. For the fees of court-appointed attorneys for indigent
12 10 adults and juveniles, in accordance with section 232.141 and
12 11 chapter 815:
12 12 \$ 31,282,538

12 13 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

12 14 1. There is appropriated from the general fund of the
12 15 state to the Iowa law enforcement academy for the fiscal year
12 16 beginning July 1, 2008, and ending June 30, 2009, the
12 17 following amount, or so much thereof as is necessary, to be
12 18 used for the purposes designated:

12 19 For salaries, support, maintenance, miscellaneous purposes,
12 20 including jailer training and technical assistance, and for
12 21 not more than the following full-time equivalent positions:
12 22 \$ 1,283,115
12 23 FTEs 30.05

12 24 It is the intent of the general assembly that the Iowa law
12 25 enforcement academy may provide training of state and local
12 26 law enforcement personnel concerning the recognition of and
12 27 response to persons with Alzheimer's disease.

12 28 The Iowa law enforcement academy may temporarily exceed and
12 29 draw more than the amount appropriated and incur a negative
12 30 cash balance as long as there are receivables equal to or
12 31 greater than the negative balance and the amount appropriated
12 32 in this subsection is not exceeded at the close of the fiscal
12 33 year.

12 34 2. The Iowa law enforcement academy may select at least
12 35 five automobiles of the department of public safety, division
13 1 of state patrol, prior to turning over the automobiles to the
13 2 department of administrative services to be disposed of by
13 3 public auction, and the Iowa law enforcement academy may
13 4 exchange any automobile owned by the academy for each
13 5 automobile selected if the selected automobile is used in
13 6 training law enforcement officers at the academy. However,
13 7 any automobile exchanged by the academy shall be substituted
13 8 for the selected vehicle of the department of public safety
13 9 and sold by public auction with the receipts being deposited
13 10 in the depreciation fund to the credit of the department of
13 11 public safety, division of state patrol.

13 12 Sec. 12. BOARD OF PAROLE. There is appropriated from the
13 13 general fund of the state to the board of parole for the
13 14 fiscal year beginning July 1, 2008, and ending June 30, 2009,
13 15 the following amount, or so much thereof as is necessary, to
13 16 be used for the purposes designated:

13 17 For salaries, support, maintenance, miscellaneous purposes,
13 18 and for not more than the following full-time equivalent
13 19 positions:
13 20 \$ 1,249,992
13 21 FTEs 18.50

13 22 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
13 23 appropriated from the general fund of the state to the
13 24 department of public defense for the fiscal year beginning
13 25 July 1, 2008, and ending June 30, 2009, the following amounts,
13 26 or so much thereof as is necessary, to be used for the
13 27 purposes designated:

13 28 1. MILITARY DIVISION
13 29 For salaries, support, maintenance, miscellaneous purposes,
13 30 and for not more than the following full-time equivalent
13 31 positions:
13 32 \$ 6,404,798
13 33 FTEs 306.43

13 34 The military division may temporarily exceed and draw more
13 35 than the amount appropriated and incur a negative cash balance
14 1 as long as there are receivables of federal funds equal to or

14 2 greater than the negative balance and the amount appropriated
14 3 in this subsection is not exceeded at the close of the fiscal
14 4 year.

14 5 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

14 6 a. For salaries, support, maintenance, miscellaneous
14 7 purposes, and for not more than the following full-time
14 8 equivalent positions:

14 9 \$ 2,271,581
14 10 FTEs 35.10

14 11 The homeland security and emergency management division may
14 12 temporarily exceed and draw more than the amount appropriated
14 13 and incur a negative cash balance as long as there are
14 14 receivables of federal funds equal to or greater than the
14 15 negative balance and the amount appropriated in this
14 16 subsection is not exceeded at the close of the fiscal year.

14 17 It is the intent of the general assembly that the homeland
14 18 security and emergency management division work in conjunction
14 19 with the department of public safety, to the extent possible,
14 20 when gathering and analyzing information related to potential
14 21 domestic or foreign security threats, and when monitoring such
14 22 threats.

14 23 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
14 24 appropriated from the general fund of the state to the
14 25 department of public safety for the fiscal year beginning July
14 26 1, 2008, and ending June 30, 2009, the following amounts, or
14 27 so much thereof as is necessary, to be used for the purposes
14 28 designated:

14 29 1. For the department's administrative functions,
14 30 including the criminal justice information system, and for not
14 31 more than the following full-time equivalent positions:

14 32 \$ 4,455,581
14 33 FTEs 39.00

14 34 2. For the division of criminal investigation, including
14 35 the state's contribution to the peace officers' retirement,
15 1 accident, and disability system provided in chapter 97A in the
15 2 amount of 17 percent of the salaries for which the funds are
15 3 appropriated, to meet federal fund matching requirements, and
15 4 for not more than the following full-time equivalent
15 5 positions:

15 6 \$ 21,121,120
15 7 FTEs 283.50

15 8 If any of the Indian tribes fail to pay for one full-time
15 9 equivalent position pursuant to the agreements or compacts
15 10 entered into between the state and the Indian tribes pursuant
15 11 to section 10A.104, subsection 10, the number of full-time
15 12 equivalent positions authorized under this subsection is
15 13 reduced to 282.50 positions.

15 14 The department of public safety, with the approval of the
15 15 department of management, may employ no more than two special
15 16 agents and four gaming enforcement officers for each
15 17 additional riverboat or gambling structure regulated after
15 18 July 1, 2008, and one special agent for each racing facility
15 19 which becomes operational during the fiscal year which begins
15 20 July 1, 2008. One additional gaming enforcement officer, up
15 21 to a total of four per riverboat or gambling structure, may be
15 22 employed for each riverboat or gambling structure that has
15 23 extended operations to 24 hours and has not previously
15 24 operated with a 24-hour schedule. Positions authorized in
15 25 this paragraph are in addition to the full-time equivalent
15 26 positions otherwise authorized in this subsection.

15 27 3. For the criminalistics laboratory fund created in
15 28 section 691.9:

15 29 \$ 342,000

15 30 4. a. For the division of narcotics enforcement,
15 31 including the state's contribution to the peace officers'
15 32 retirement, accident, and disability system provided in
15 33 chapter 97A in the amount of 17 percent of the salaries for
15 34 which the funds are appropriated, to meet federal fund
15 35 matching requirements, and for not more than the following
16 1 full-time equivalent positions:

16 2 \$ 6,302,046
16 3 FTEs 82.00

16 4 b. For the division of narcotics enforcement for
16 5 undercover purchases:

16 6 \$ 123,343

16 7 5. For the division of state fire marshal, for fire
16 8 protection services as provided through the state fire service
16 9 and emergency response council as created in the department,
16 10 and for the state's contribution to the peace officers'
16 11 retirement, accident, and disability system provided in
16 12 chapter 97A in the amount of 17 percent of the salaries for

16 13 which the funds are appropriated, and for not more than the
 16 14 following full-time equivalent positions:
 16 15 \$ 3,991,394
 16 16 FTEs 57.00
 16 17 6. For the division of state patrol, for salaries,
 16 18 support, maintenance, workers' compensation costs, and
 16 19 miscellaneous purposes, including the state's contribution to
 16 20 the peace officers' retirement, accident, and disability
 16 21 system provided in chapter 97A in the amount of 17 percent of
 16 22 the salaries for which the funds are appropriated, and for not
 16 23 more than the following full-time equivalent positions:
 16 24 \$ 49,688,777
 16 25 FTEs 535.00
 16 26 It is the intent of the general assembly that members of
 16 27 the state patrol be assigned to patrol the highways and roads
 16 28 in lieu of assignments for inspecting school buses for the
 16 29 school districts.
 16 30 7. For deposit in the sick leave benefits fund established
 16 31 under section 80.42 for all departmental employees eligible to
 16 32 receive benefits for accrued sick leave under the collective
 16 33 bargaining agreement:
 16 34 \$ 316,179
 16 35 8. For costs associated with the training and equipment
 17 1 needs of volunteer fire fighters:
 17 2 \$ 669,587
 17 3 Notwithstanding section 8.33, moneys appropriated in this
 17 4 subsection that remain unencumbered or unobligated at the
 17 5 close of the fiscal year shall not revert but shall remain
 17 6 available for expenditure only for the purpose designated in
 17 7 this subsection until the close of the succeeding fiscal year.
 17 8 Notwithstanding section 8.39, within the funds appropriated
 17 9 in this section the department of public safety may reallocate
 17 10 funds as necessary to best fulfill the needs provided for in
 17 11 the appropriation. However, the department shall not
 17 12 reallocate an appropriation made to the department in this
 17 13 section unless notice of the reallocation is given to the
 17 14 legislative services agency and the department of management
 17 15 prior to the effective date of the reallocation. The notice
 17 16 shall include information about the rationale for reallocating
 17 17 the appropriation. The department shall not reallocate an
 17 18 appropriation made in this section for the purpose of
 17 19 eliminating any program.
 17 20 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
 17 21 from the general fund of the state to the Iowa state civil
 17 22 rights commission for the fiscal year beginning July 1, 2008,
 17 23 and ending June 30, 2009, the following amount, or so much
 17 24 thereof as is necessary, to be used for the purposes
 17 25 designated:
 17 26 For salaries, support, maintenance, miscellaneous purposes,
 17 27 and for not more than the following full-time equivalent
 17 28 positions:
 17 29 \$ 1,504,036
 17 30 FTEs 29.00
 17 31 The Iowa state civil rights commission may enter into a
 17 32 contract with a nonprofit organization to provide legal
 17 33 assistance to resolve civil rights complaints.
 17 34 Sec. 16. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
 17 35 DIVISION. There is appropriated from the wireless E911
 18 1 emergency communications fund created in section 34A.7A to the
 18 2 administrator of the homeland security and emergency
 18 3 management division of the department of public defense for
 18 4 the fiscal year beginning July 1, 2008, and ending June 30,
 18 5 2009, an amount not exceeding \$200,000 to be used for
 18 6 implementation, support, and maintenance of the functions of
 18 7 the administrator and program manager under chapter 34A and to
 18 8 employ the auditor of the state to perform an annual audit of
 18 9 the wireless E911 emergency communications fund.
 18 10 Sec. 17. IOWA LAW ENFORCEMENT ACADEMY == FEES.
 18 11 Notwithstanding section 80B.11B, the Iowa law enforcement
 18 12 academy may charge more than one-half the cost of providing
 18 13 the basic training course if a majority of the Iowa law
 18 14 enforcement academy council authorizes charging more than one-
 18 15 half of the cost of providing basic training. This section is
 18 16 repealed on June 30, 2009.
 18 17 Sec. 18. Section 822.2, subsection 1, unnumbered paragraph
 18 18 1, Code 2007, is amended to read as follows:
 18 19 Any person who has been convicted of, or sentenced for, a
 18 20 public offense and who claims any of the following may
 18 21 institute, ~~without paying a filing fee,~~ a proceeding under
 18 22 this chapter to secure relief:
 18 23 Sec. 19. Section 904.108, subsection 4, Code 2007, is

18 24 amended to read as follows:

18 25 4. The director may expend moneys from the support
18 26 allocation of the department as reimbursement for replacement
18 27 or repair of personal items of the department's employees
18 28 damaged or destroyed by clients of the department during the
18 29 employee's tour of duty. However, the reimbursement shall not
18 30 exceed ~~one~~ three hundred ~~fifty~~ dollars for each item. The
18 31 director shall establish rules in accordance with chapter 17A
18 32 to carry out the purpose of this subsection.

18 33 EXPLANATION

18 34 This bill makes appropriations from the general fund of the
18 35 state for fiscal year 2008=2009 to the departments of justice,
19 1 corrections, public defense, and public safety, and the Iowa
19 2 law enforcement academy, office of consumer advocate, office
19 3 of the state public defender, board of parole, and Iowa state
19 4 civil rights commission.

19 5 The bill also appropriates moneys, not to exceed \$200,000,
19 6 from the wireless E911 emergency communications fund to the
19 7 homeland security and emergency management division for
19 8 implementation, support, and maintenance of the functions of
19 9 the administrator and program manager of the E911 emergency
19 10 system.

19 11 The bill provides that if additional funding becomes
19 12 available the funds will be appropriated for eight additional
19 13 correctional officer positions to be distributed between the
19 14 Anamosa correctional facility and the Mt. Pleasant
19 15 correctional facility.

19 16 The bill provides that if any of the Indian tribes fail to
19 17 fund one FTE position within the division of criminal
19 18 investigation of the department of public safety pursuant to
19 19 the agreements and compacts entered into between the state and
19 20 the Indian tribes, the number of authorized FTE positions
19 21 within the division is reduced by one FTE.

19 22 The bill specifies that a person filing a civil action for
19 23 postconviction relief pursuant to Code chapter 822, must pay a
19 24 filing fee.

19 25 The bill addresses Code section 80B.11B to provide that for
19 26 FY 2008=2009 the Iowa law enforcement academy may charge a
19 27 department of the state, a member of a police force, or any
19 28 political subdivision of the state more than one-half of the
19 29 cost to provide the basic training course for a law
19 30 enforcement officer, provided a majority of the Iowa law
19 31 enforcement council approves such a charge. Current law
19 32 prohibits the Iowa law enforcement academy from charging more
19 33 than one-half of the cost of providing the basic training
19 34 course.

19 35 The bill provides that the department of corrections may
20 1 reallocate appropriated funds between the institutions of the
20 2 department of corrections, the department's administration,
20 3 and the judicial district departments of correctional
20 4 services. The bill provides the department, prior to the
20 5 effective date of any reallocation, must provide notice to the
20 6 department of management, the legislative services agency, and
20 7 the district board of any judicial district department of
20 8 correctional services affected by the reallocation.

20 9 The bill provides that the department of public safety may
20 10 also reallocate the funds appropriated to the department
20 11 between the divisions of the department. The bill provides
20 12 that the department, prior to the effective date of any
20 13 reallocation, must provide notice of the reallocation to the
20 14 department of management and the legislative services agency.

20 15 The bill amends Code section 904.108 to authorize the
20 16 department of corrections to reimburse employees for damage to
20 17 the personal property of the employee up to the amount of
20 18 \$300. Current law limits the reimbursement at \$150.

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